

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 2, 4, 8, 12-14, and 21-23 were cancelled previously. Claim 29 is currently requested to be canceled. Claims 1, 18, 20, and 24-26 have been amended to include the elements of now canceled Claim 29. As a result, no new matter has been introduced. Therefore, Applicants respectfully request entry and consideration of the amended claims. Claims 1, 3, 5-7, 9-11, 15-20, 24-28, and 30-32 are now pending in this application.

I. Rejection of Claims 1, 3, 5, 6, 9-11, 17, 18, 20, and 24-31 Under 35 U.S.C. § 102(e)

In Section 1 of the Office Action, Claims 1, 3, 5, 6, 9-11, 17, 18, 20, and 24-31 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/0141740 to Matsui (Matsui). Applicants respectfully traverse the rejection because Matsui fails to teach, suggest, or disclose all of the elements of at least independent Claims 1, 18, 20, and 24-26.

Independent Claim 1, as amended and with emphasis added through underlining, recites in part:

sending a response to the received first request from the streaming server to the streaming client, the response including a plurality of error resilience levels supportable by the streaming server in sending the media to the streaming client, wherein the plurality of error resilience levels includes a default error resilience level and an alternative error resilience level;

Independent Claim 18, as amended and with emphasis added through underlining, recites in part:

receiving means for receiving streaming media sent from a streaming server to the client device via a transmission channel and for receiving a plurality of error resilience levels supportable by the streaming server in streaming the media to the client device, wherein the plurality of error resilience levels includes a default error resilience level and an alternative error resilience level;

Independent Claim 20, as amended and with emphasis added through underlining, recites in part:

receiving means for receiving a first request for media from a streaming client and for receiving a second request from the streaming client, the second request including an error resilience level selected from a plurality of error resilience levels, wherein the plurality of error resilience levels includes a default error resilience level and an alternative error resilience level

Independent Claim 24, as amended and with emphasis added through underlining, recites in part:

send a response to a first device requesting media, the response including a plurality of error resilience levels supportable when sending the media to the first device, wherein the plurality of error resilience levels includes a default error resilience level and an alternative error resilience level;

Independent Claim 25, as amended and with emphasis added through underlining, recites in part:

receive a response from the streaming server, the response including a plurality of error resilience levels supportable by the streaming server when sending the media, wherein the plurality of error resilience levels includes a default error resilience level and an alternative error resilience level;

Independent Claim 26, as amended and with emphasis added through underlining, recites in part:

receiving a response from the streaming server at the streaming client, the response including a plurality of error resilience levels supportable by the streaming server when sending the media, wherein the plurality of error resilience levels includes a default error resilience level and an alternative error resilience level

As stated previously, Claims 1, 18, 20, and 24-26 have been amended to include the elements of now canceled Claim 29. On page 2 of the Office Action, the Examiner states:

Regarding claim 29, ..., Matsui discloses the plurality of error resilience levels includes a default error resilience level and an alternative error resilience level (... [0248]).

Applicants respectfully disagree. At paragraphs [0247]-[0248] cited by the Examiner, with emphasis added through underlining, Matsui states:

[0247] While in this second embodiment the user sets the anti-error intensity of the video data to be received first among the plural video data corresponding to the same video sequence and having different anti-error intensities, the anti-error intensity of the video data to be received first may be a default value that is unique to the receiving terminal.

[0248] In this case, the receiving terminal requests a video stream corresponding to a video element suited to the default value of the anti-error intensity, among the plural video elements 711~714 described in the SMIL file FSD2, and receives this video stream. Thereafter, in the receiving terminal, the video stream being received is switched to a video stream having an appropriate anti-error intensity according to the incidence of error during reception of the video stream.

Thus, the default value is unique to the receiving terminal and is selected based on the default value known at the receiving terminal. None of the video elements 711-714 is identified as a default value when sent in the SMIL file to the receiving terminal. (See Fig. 5(a)). Matsui consistently and repeatedly describes the setting of the default value at the receiving terminal. (See paras. [0284], [0297], [0298], [0303], [0306], [0312], [0314]). For example, Matsui states that the “audio or text data suited to the anti-error intensity of data to be received, which is set by the user in the receiving terminal or set as a default value of the receiving terminal, is selected from among plural pieces of audio data or text data which correspond to the same contents and have different anti-error intensities, and the selected audio or text data is reproduced in the receiving terminal.” (Para. [0284], with emphasis added through underlining). However, Matsui fails to teach, suggest, or disclose “sending a response to the received first request from the streaming server to the streaming client, the response including a plurality of error resilience levels supportable by the streaming server in sending the media to the streaming client, wherein the plurality of error resilience levels includes a default error resilience level and an alternative error resilience level” (with

emphasis added through underlining) as recited in Claim 1, and similarly recited in Claims 18, 20, and 24-26.

Claim 10 recites:

The method of claim 9, wherein said error resilience value is stored in a file format in which said media is stored.

Matsui states:

The server 100a comprises a data storage unit 120 for holding plural video streams which are obtained by coding digital video signals corresponding to the same video sequence under different coding conditions, and holding SMIL data in which the attributes of the respective video streams are described.

(Para. [0088]). Matsui only describes inclusion of error resilience levels in a SMIL file. Relative to the SMIL file format, Matsui states “Character strings such as <smil>, </smil>, <body>, </body>, <switch>, </switch>, and <video>, which are described at the beginnings of the respective rows of the SMIL file FSD1, are called "elements", and each element declares the contents of description which follows the element.” (Para. [0092]). Thus, Matsui also fails to teach, suggest, or disclose “wherein said error resilience value is stored in a file format in which said media is stored” as recited in Claim 10.

Claim 28 recites:

The method of claim 1, further comprising identifying a media content error resilience level from the media wherein the plurality of error resilience levels includes the identified media content error resilience level.

Again, Matsui states:

The server 100a comprises a data storage unit 120 for holding plural video streams which are obtained by coding digital video signals corresponding to the same video sequence under different coding conditions, and holding SMIL data in which the attributes of the respective video streams are described.

(Para. [0088]). Matsui only describes inclusion of error resilience levels in a SMIL file. Relative to the SMIL file format, Matsui states “Character strings such as <smil>, </smil>, <body>, </body>, <switch>, </switch>, and <video>, which are described at the beginnings of the respective rows of the SMIL file FSD1, are called "elements", and each element declares the contents of description which follows the element.” (Para. [0092]). Thus, Matsui also fails to teach, suggest, or disclose “wherein said error resilience value is stored in a file format in which said media is stored” as recited in Claim 10.

Claim 28 recites:

The method of claim 9, wherein said error resilience value is stored in a file format in which said media is stored.

Matsui states:

The server 100a comprises a data storage unit 120 for holding plural video streams which are obtained by coding digital video signals corresponding to the same video sequence under different coding conditions, and holding SMIL data in which the attributes of the respective video streams are described.

(Para. [0088]). Matsui only describes inclusion of error resilience levels in a SMIL file. Thus, Matsui also fails to teach, suggest, or disclose “identifying a media content error resilience level from the media” as recited in Claim 28.

Thus, for at least the reasons described above, Matsui fails to teach, suggest, or describe all of the elements of at least Claims 1, 10, 18, 20, 24-26, and 28. Matsui fails to consider provision of a plurality of error resilience levels supportable by the streaming server to the streaming client which provides a default value to the streaming client. An anticipation rejection cannot properly be maintained where the reference used in the rejection does not disclose all of the recited claim elements. The remaining claims depend from one of Claims 1 or 18. Therefore, Applicants respectfully request withdrawal of the rejection of Claims 1, 3, 5, 6, 9-11, 17, 18, 20, 24-28, and 30-32.

II. Rejection of Claims 7, 15, 16, 19, and 32 Under 35 U.S.C. § 103(a)

In Section 2 of the Office Action, Claims 7, 15, 16, 19, and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsui. Applicants respectfully disagree. Claims 7, 15, 16, 19, and 32 depend from one of Claims 1 or 18. For at least the reasons discussed in Section I. above, Matsui fails to teach, suggest, or describe all of the elements of Claims 1 and 18. An obviousness rejection cannot properly be maintained where the reference used in the rejection does not disclose all of the recited claim elements. Therefore, Applicants respectfully request withdrawal of the rejection of Claims 7, 15, 16, 19, and 32.

Applicants believe that the present application is in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

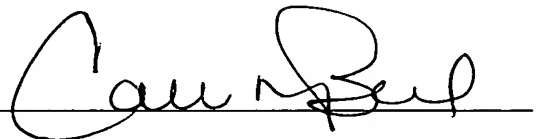
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date December 5, 2007

FOLEY & LARDNER LLP
Customer Number: 23524
Telephone: (608) 258-4263
Facsimile: (608) 258-4258

By



Callie M. Bell
Attorney for Applicant
Registration No. 54,989